

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

\* \* \*

ASHLEY GARNETT, *et al.*,

Plaintiff,

VS.

ROBERT G. MILLER,

**Defendant.**

2:18-cv-00403-KJD-VCF

## ORDER

Before the Court is *Ashley Garnett and Richard Garnett v. Robert G. Miller*, case number 2:18-cv-00403-KJD-VCF. Plaintiff Ashley Garnett filed an application to proceed *in forma pauperis* on March 6, 2018. (ECF No. 1). The Court denied the application because it did not cover the other Plaintiff, Richard Garnett. (ECF No. 3 at 1-3). Plaintiff were directed to either file an application that applied to both Plaintiffs or remove Richard Garnett as a Plaintiff by April 30, 2018. (*Id.* at 4). Plaintiffs were warned that failure to timely comply with the Order could result in the case being dismissed. (*Id.*). Plaintiffs have not amended their application or complaint.

A filing fee is required to commence an action unless the Court grants an application to proceed *in forma pauperis*. 28 U.S.C. § 1914-1915. The Court denied Plaintiffs' application to proceed *in forma pauperis*, and Plaintiffs have taken no further steps to amend the application or pay the filing fee. A complaint has not been lodged in this matter since the application was denied and the filing fee was not paid. There are no claims to dismiss.

ACCORDINGLY,

IT IS HEREBY ORDERED that Clerk of Court administratively close this case.

## NOTICE

Pursuant to Local Rule IB 3-1, a party may object to orders issued by the Magistrate Judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. (See L RIB 3-1). The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983).

Under LSR 2-2, the Plaintiff must immediately file written notification with the Court of any change of address. The notification must include proof of service upon each opposing party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.** (See LSR 2-2).

DATED this 8th day of May, 2018.

CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE